IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 432 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEEPAK CHIMANLAL MEHTA

Versus

CENTRAL BEAREAU OF INVESTIGATION

Appearance:

1. Special Criminal Application No. 432 of 2001

M/S THAKKAR ASSOC. for Petitioner No. 1

MR AMIT J SHAH for Respondent No. 1

MR SJ DAVE A.P.P. for Respondent No. 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 30/07/2001

ORAL JUDGEMENT

1. Rule. Mr.Amit J. Shah learned advocate appearing for respondent No.1 and Mr.S.J. Dave, learned A.P.P. appearing for respondent No.2 waives service of Rule. By consent this application is being heard and disposed of finally.

2. The applicant herein has been enlarged on bail by the learned Additional Sessions Judge (CBI) by order dated 29th March, 2001 placed at page 10. The petitioner contends that on account of involvement in the business, he is required to go abroad on behalf of his company as well as a delegate with the delegation of the Government of India; that therefore it is extremely difficult on his part to obtain permission of the court for going abroad. It is therefore prayed that the said condition imposed on him by the Trial Court for obtaining the permission before leaving this country, be quashed and set aside. After having heard the learned advocate for the parties and after going through the materials made available to me it is found that the petitioner has visited some countries with the permission of the Trial Court and there is no dispute that the petitioner has returned to India within the time stipulated by the Court. This indicates that the petitioner has never committed violation of the terms and conditions of the said order, or the terms and conditions of the permission granted by the Trial Court permitting the petitioner to visit abroad.

3. In above view of the matter this application is partly allowed. The above condition requiring the petitioner to obtain permission before leaving this country from the Trial court is ordered to be suspended for

the applicant to make appropriate application before the appropriate Court as and when circumstances may arise.

Rule is made absolute to the above extent. D.S. permitted.

30.7.2001. (D.P. Buch, J.)

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